



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

Application Number: 2301216

Applicant Name: Theodore & Teresa Metcalf

Address of Proposal: 3938 Whitman Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit to change the use of an existing three-story motel to an apartment building containing 18 units. No change in parking is required.

The following approvals are required:

Variance to allow the number of dwelling units to exceed the L2 density limit pursuant to Seattle Municipal Code (SMC) 23.40.020.

SEPA- Environmental Determination pursuant to SMC 25.05.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

The Casabel Motel is an 18-unit motel located on a 13,800 sf parcel on the southeast corner of Whitman Avenue North and North 40th Street. The address is 3938 Whitman Avenue North (Parcel # 193130-0345). The motel was a permitted use when first constructed in 1960, but because the site is now zoned Multi-Family Residential Lowrise 2 (L2), the current lodging/motel use is not permitted outright, therefore it is a nonconforming use within the zone (see SMC 23.45.004A. and 23.45.182). The applicant proposes to convert the Casabel Motel to apartments. No interior or exterior construction or remodeling is proposed. The proposal involves only a change in use to allow the existing building to meet the need for affordable apartment units in the City of Seattle. As part of the change of use, the applicant seeks the variance described below.



Variance Requested

The City's Land Use Code provides that in multi-family zones, a nonconforming nonresidential use may be converted to residential use, even if all development standards are not met; provided that the density limitations of the zone must be met and provided that any parking nonconformity shall not be increased as a result of the conversion...(SMC 23.42.108C.)

The density limitation in L2 zone is one dwelling unit per 1,200 square feet¹. Under this ratio 11 multi-family dwelling units would be allowed in the Casabel Motel (SMC 23.45.008A.)

The applicant requests a variance from the density limitation in order to allow the conversion of the existing 18 units of lodging to eighteen (18) multi-family or one bedroom dwelling units².

Public Notice and Comments

A MUP application was received May 19, 2003. A notice of application was given on May 29, 2003. No comments were received on the application and the comment period ended on June 11, 2003.

¹ Lot area is 13,800 sf divided by 1200 equals 11.5 units or 11 units. When density calculations result in a fraction, any fraction up to and including one-half (1/2) shall be disregarded and any fraction over one-half (1/2) shall allow the next higher number (SMC 23.86.002B.3.)

² There will be no increase in parking nonconformity. The 18 units require 20.7 parking spaces (SMC 23.54.015). The site currently has 24 parking spaces.

ANALYSIS – VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements of this Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

The unusual condition that applies to the subject property is that it contains an existing 18-unit motel, which was legal when built but is now nonconforming due to a change in the zoning designation for the property. Strict application of the L2 density limitation would require internal reconfiguration of the 18 units, for the purpose of reducing the number of total residential units.

Other property owners in the same zone or vicinity have the ability to design and construct to the allowable number of units, since they know how many units are allowed. In the applicant's case, the limits on allowable units were passed after the building and units were constructed. Thus, while other property owners have the ability to construct buildings that comply with the density limitations, the applicant cannot realistically do so given the current status of the property. In this situation, a strict application of the density limitation would deprive the applicant of a privilege—specifically, the privilege to feasibly establish a multi-family use—that is enjoyed by other properties in the same zone.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The applicant is not seeking to add any units to the existing structure. They seek to retain the current number of units as they convert the structure to apartments. Thus, the variance is the minimum necessary to afford relief.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The requested variance does not seek any changes in building size or other physical improvements. The number of units will remain the same. The only change is that the occupants will be permanent rather than transient. Thus, the variance will not be materially detrimental to the public welfare or surrounding properties.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship, or practical difficulties;*

As discussed above, denying the variance would require practical difficulties for the applicant—involving significant remodeling to the motel for the purpose of creating larger and fewer units.

Such an effort would most likely cause undue hardship on the applicant and would likely force an abandonment of the proposal, and a continuation of the current nonconforming lodging/motel use. It is noteworthy; to emphasize the requested variance is to retain the existing building, not for new construct.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The requested variance—to convert a nonconforming lodging/motel use into a permitted apartment use—is consistent with the spirit and purpose of the Land Use Code regulations for the area. The applicability and intent of the nonconforming provisions of the Land Use Code is to establish a framework for allowing for most nonconformity's to continue. The Code facilitates the maintenance and enhancement of nonconforming uses and developments so they may exist as an asset to their neighborhoods. The redevelopment of nonconformities to be more conforming to current code standards is a long term goal (SMC 23.42.100B.) The applicant's seek a feasible conversion—rather than creating larger/fewer units or the construction of a larger building.

DECISION – VARIANCE

The variance to allow the number of dwelling units to exceed the L2 density limit is **APPROVED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated March 14, 2003) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Long-Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased demand on public services and utilities; increased light and glare; and increased energy consumption. These

long-term impacts are not considered significant because the impacts are minor in scope. Additional land use impacts which may result in the long-term are discussed below.

Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. The existing onsite surface parking has a total of 24 spaces. The required parking for changing the use to apartments is 21 parking spaces. The parking spaces provided are expected to accommodate most of the parking demand generated by the change of use from lodging/motel to apartment building. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

Summary

In conclusion, no significant adverse effects on the environment are anticipated as a result of the proposal. No conditions are imposed as mitigation to specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

None.

Signature: _____ (signature on file) Date: July 31, 2003
Colin R. Vasquez, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

CRV:bg